IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

THURSDAY, THE 15TH NOVEMBER 2007 / 24TH KARTHIKA 1929

WP(C).No. 33659 of 2007(F)

PETITIONER:

SURENDRAN C, CHOORKUZHIMAL VEEDU
KAYAKKODI,KUTYADI VAZHI,KOZHIKODE.

BY ADV. SRI.P.SREEKUMAR
SRI.K.S.MANU (PUNUKKONNOOR)

RESPONDENTS:
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1. STATE OF KERALA REPRESENTED BY ITS SECRETARY SOCIAL WELFARE DEPARTMENT GOVT SECRETARIAT, THIRUVANANTHAPURAM.

2. THE SECRETARY, LOCAL SELF GOVERNMENT DEPARTMENT, GOVT.SECRETARIAT, THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER SRI.BEJOY CHANDRAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 15/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

V. GIRI ,J.

WP(C).NO.33659 of 2007

Dated this the 15th day of November, 2007

JUDGMENT

The petitioner is a physically handicapped person. As evidenced by Ext.P1, he had worked as an Assistant Grade II in the Calicut Development Authority during the period from 17.8.1998 to 11.2.1999. The appointment was provisional and on expiry of the period, petitioner's services were terminated. The Calicut Development Authority was under the administrative control of Local self Government Department. The authority itself was later wound up and regular staff were absorbed in the Municipal Common Service.

2. The petitioner claims that as per Ext.P3 and P4 government orders, government decided to reinstate those physically handicapped persons into service who had rendered service under Rule 9(a)(i) of Part II of KS&SSR between the period from 15.8.1998 to 15.8.1999. Had the Calicut Development Authority remained in existence, he could have claimed enforcement of Exts.P3 and P4, the petitioner contends. Since the authority is bound by the orders of the Government under which rights are available to the petitioner as a physically handicapped person, that will have to be enforced only in relation to some other services, as per a decision to be taken by the government in that

regard. Learned counsel for the petitioner submits that similar claim raised by a physically handicapped person working in the erstwhile Palakkad Development Authority was considered and accepted by the government. Petitioner's claim was forwarded to the Social Welfare Department- first respondent as evidenced by Ext.P7 series. Petitioner has filed Ext.P8 representation before the first respondent.

3. After having heard the learned Government Pleader also, the writ petition is disposed of directing the first respondent to look into Ext.P8 and take a decision thereon in the light of Ext.P6 order within a period of three months from the date of receipt of a copy of this judgment. Petitioner may also be heard before a decision is taken in this regard.

V. GIRI, JUDGE

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